

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARLLYNN NICHOLS,
on behalf of herself and all others
similarly situated,

Plaintiff,

v.

Case No. 2:22-cv-16
Judge Sarah D. Morrison
Magistrate Judge Elizabeth
Preston Deavers

**STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY,**

Defendant.

ORDER

On October 11, 2022, the Court issued an Opinion and Order that, among other things, denied Defendant's Motion to Stay Proceedings and Compel an Appraisal. (ECF No. 40.) This matter is now before the Court on Defendant's Motion for Reconsideration. (ECF No. 41.)

Motions for Reconsideration serve a limited function and are generally only warranted where there is: (1) an intervening change of controlling law; (2) new evidence available; or (3) a need to correct a clear error or prevent manifest injustice. *Pegg v. Davis*, No. 2:09-CV-908, 2009 WL 5194436 (S.D. Ohio Dec. 22, 2009) (Marbley, C.J.). They are not intended to relitigate issues previously considered by the Court, or to raise arguments and present evidence that could have been raised earlier. *J.P. v. Taft*, No. C2-04-692, 2006 WL 689091, at *3 (S.D. Ohio

Mar. 15, 2006) (Marbley, C.J.). Defendant claims that reconsideration is necessary here under the third ground only.

In support of its motion, Defendant renews its argument that an appraisal is necessary to resolve preliminary matters in this suit. Not so. An appraisal may highlight weaknesses in the merits of Plaintiff's case, but this is a question for discovery. Defendant is free to file a motion to compel an appraisal at that stage, but its request to stay proceedings and to do so at the pleading stage is without merit.

Nothing stated in the Motion for Reconsideration persuades the Court that there is a need to correct a clear error or to prevent a manifest injustice. The Motion for Reconsideration is therefore **DENIED**. (ECF No. 41.)

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE